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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,546	02/07/2002	Subhash Chandra Taneja	82373	7828

7590 04/11/2003

NATH & ASSOCIATES PLLC  
Sixth Floor  
1030 15th Street, N.W.  
Washington, DC 20005

EXAMINER

RAMSUER, ROBERT W

ART UNIT	PAPER NUMBER
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1626

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 4-30-03 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s),        days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |                                                                                     |                                                                                   |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____                                                 |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-19 are pending in the application.  
Of the above, claims 1-6, parts, 7-19 are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 3-6 are rejected.
5. ☒ Claims 1, 2 are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

In response to the restriction requirement of April 11, 2003, applicants have elected group I, claims 1 and 2, without traverse. Claims 7-19, stand withdrawn, 37 CFR 1.142 (b), as being for non-elected subject matter, election having been made, without traverse in Paper No. 6 (April 30, 2003).

Applicants have also elected a single disclosed species designated as ii. In accordance with the restriction requirement of April 11, 2003, the examiner will identify a generic concept, inclusive of the elected species, for examination. The generic concept to be identified is that as found in claims 1-6 wherein (referencing claim 1) Ar is the first appearing group, i.e. the R<sup>o</sup>phenyl group, X is O and n is 2. The remaining subject matter, (other than that identified above) of claims 1 and 3-6 stands withdrawn as being for non-elected subject matter. Please note that the subject matter of claims 3-6 has now been included in the elected group. The subject matter of claim 2 of formulae I and ii is examined as being readable on the examined area identified above. The subject matter of claim 2 designated as iii through to and including X stands withdrawn as being for non-elected subject matter.

The withdrawn subject matter of claims 1-6 is properly restricted from the indicated examinable (elected) subject matter as if differs materially <sup>(the elected)</sup> from same <sup>so</sup> as to be patentably distinct. Firstly, note that the various depicted members of variable Ar are structurally different and as groups are subject to different classification areas, e.g. class 568-630, 549-356, 549-362, and 549-434. Secondly, the members of X are structurally different elements, O (oxygen) and N-CH<sub>3</sub> and are subject to different classification areas e.g. 544-106 and 544-358. Lastly the variable n results in

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structurally different compounds e.g.  $\text{CH}=\text{CH}$  ( $n=1$ ) and  $\text{CH}=\text{CH}-\text{CH}=\text{CH}$  ( $n=2$ ) and are recognized in different classification areas as note e.g. class 583-500 and 585-507.

Additionally, electronic data base searching would require multiple varying structure inputs. As the various compounds covered by claims represent areas that are patentably distinct, restriction under 35 USC 121 is proper. Moreover, to not restrict as done herein would impose a burden on the search and/or the examination of this application.

Claims 3-6 are rejected under 35 112, second paragraph. The claimed subject matter is unclear as to meaning. The claims seem more to be statements as to what the compounds are useful for (claim 1) or what the compounds can be used as (claims 2 and 3), as opposed to clearly and distinctly pointing out what is to be claimed.

Claims 1 and 2 are objected to as containing non-elected subject matter. The claims limited to the elected and identified subject (as noted supra), would appear allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Ramsuer whose telephone number is (703) 308-4534. The examiner can normally be reached on Monday through Friday.

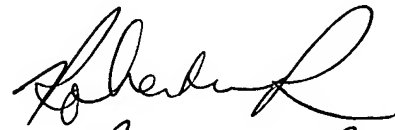
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (703) 308-4537. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4556 for regular communications and (703) 308-4556 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Ramsuer/LR  
July 15, 2003



Robert W. Ramsuer  
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